

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MITCHELL FIELDS,

Plaintiff(s),

V.

BRIAN WILLIAMS, et al..

Defendant(s).

Case No.: 2:17-cv-01725-JAD-NJK

Order

[Docket No. 29]

16 Pending before the Court is Plaintiff's motion for the Clerk's Office to issue summons for
17 Defendant Romeo Aranas. Docket No. 29. Plaintiff submits that the Office of the Attorney
18 General would not accept service on behalf of Defendant Aranas. *Id.* at 1. Plaintiff asks the Court
19 to order the Attorney General's Office to file Defendant Aranas' last-known address under seal
20 and to order the Clerk's Office to issue summons. *Id.* at 2. The Court finds that the motion is
21 properly resolved without a hearing. *See* Local Rule 78-1.

I. Background

23 Plaintiff alleges violations of his civil rights under 42 U.S.C. § 1983 for events that
24 occurred during his incarceration at High Desert State Prison. Docket No. 8 at 4-14. The Court
25 screened Plaintiff's amended complaint and ordered that two of Plaintiff's claims of deliberate
26 indifference to serious medical needs and one claim of equal protection may proceed. *See* Docket
27 No. 7. On October 18, 2018, the Court ordered the Clerk's Office to serve Plaintiff's amended
28 complaint on the Attorney General's Office and further ordered the Attorney General's Office to

1 file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts
2 service; (b) the names of the defendants for whom it does not accept service; and (c) the names of
3 the defendants for whom it is filing the last-known address information under seal. Docket No.
4 14 at 1-2. The Court also ordered that “[s]ervice must be perfected within ninety (90) days from
5 the date of this order pursuant to Fed. R. Civ. P. 4(m).” *Id.* at 2.

6 **II. Analysis**

7 *A. Motion to File Defendant Aranas’ Last-Known Address Under Seal*

8 On November 8, 2018, the Attorney General’s Office accepted service on behalf of
9 Defendants James Dzurenda, Brian Williams, Dwight Neven, Antony Ritz, and Brian Williams,
10 but did not accept service on behalf of Defendant Romeo Aranas. Docket No. 15 at 1. Further,
11 the Attorney General’s Office filed, under seal, the last-known address of Defendant Aranas, and
12 filed a notice of the submission. Docket No 16 at 1; Docket No. 17.

13 Accordingly, the Court **DENIES** as moot the portion of Plaintiff’s motion that asks the
14 Court to order the Attorney General’s Office to file Defendant Aranas’ last-known address under
15 seal. Docket No. 29.

16 *B. Request for Clerk to Issue Summons*

17 Plaintiff further asks the Court to order the Clerk’s Office to issue summons for Defendant
18 Aranas. Docket No. 29 at 2. In determining Plaintiff’s request, this Court turns to Rule 4(m) of
19 the Federal Rules of Civil Procedure. Under Rule 4(m), service must be accomplished within 90
20 days from the date a complaint is filed. According to Rule 4(m), “[i]f a defendant is not served
21 within 90 days after the complaint is filed, the court—on motion or on its own after notice to the
22 plaintiff—must dismiss the action without prejudice against that defendant or order that service be
23 made within a specified time.” Fed. R. Civ. P. 4(m). However, “if the plaintiff shows good cause
24 for the failure, the court must extend the time for service for an appropriate period.” *Id.* The Court
25 must liberally construe the pleadings of a pro se party. *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7
26 (9th Cir. 2010).

27 In liberally construing Plaintiff’s motion, the Court finds good cause to extend the period
28 for service on Defendant Aranas by 60 days from today’s date, or July 13, 2019. Accordingly,

1 Plaintiff's request for the Clerk's Office to issue summons for Defendant Aranas, Docket No. 29,
2 is **GRANTED**.

3 The Court **INSTRUCTS** the Clerk's Office to issue summons for Defendant Aranas. The
4 Clerk's Office shall send to Plaintiff one USM-285 form. Plaintiff shall have twenty days in which
5 to furnish the U.S. Marshal with the required Form USM-285 (with Defendant Aranas' address
6 omitted). The Clerk's Office shall send a copy of the amended complaint, Docket No. 8, and a
7 copy of this order to the United States Marshal for service on Defendant Aranas. Within
8 twenty days after receiving from the U.S. Marshal a copy of the Form USM-285, showing whether
9 service has been accomplished, Plaintiff must file a notice with the Court identifying whether
10 Defendant Aranas was served. The Court **FURTHER** orders that Defendant Aranas' last-known
11 address shall remain sealed.

12 **III. Conclusion**

13 For the reasons stated above, Plaintiff's motion, Docket No. 29, is **GRANTED** in part and
14 **DENIED** in part.

15 The Court **INSTRUCTS** the Clerk's Office to issue summons for Defendant Aranas.

16 The Court **EXTENDS** the time for service on Defendant Aranas to July 13, 2019.

17 **IT IS FURTHER ORDERED** that the Clerk's Office shall send to Plaintiff one USM-
18 285 form. Plaintiff shall have twenty days in which to furnish the U.S. Marshal with the required
19 Form USM-285 (with Defendant Aranas' address omitted). The Clerk's Office shall send a copy
20 of the amended complaint, Docket No. 8, and a copy of this order to the United States
21 Marshal for service on Defendant Aranas. Within twenty days after receiving from the U.S.
22 Marshal a copy of the Form USM-285, showing whether service has been accomplished, Plaintiff
23 must file a notice with the Court identifying whether Defendant Aranas was served.

24 **IT IS FURTHER ORDERED** that, henceforth, Plaintiff shall serve upon Defendant or, if
25 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion or
26 other document submitted for consideration by the Court. Plaintiff shall include with the original
27 paper submitted for filing a certificate stating the date that a true and correct copy of the document
28 was mailed to the Defendant or counsel for the Defendant. The Court may disregard any paper

1 received by a district judge or magistrate judge which has not been filed with the clerk, and any
2 paper received by a district judge, magistrate judge, or the clerk, which fails to include a certificate
3 of service.

4 IT IS SO ORDERED.

5 Dated: May 14, 2019

6 
7 Nancy J. Koppe
8 United States Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28